

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 7-12 are currently pending in the application; Claims 1-6 having been canceled without prejudice or disclaimer, and new Claims 7-12 having been added, by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action Claims 1-6 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Patent No. 6,708,017 to Yamanaka et al. (Yamanaka); a new title was required; Claims 1-3 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,185,396 to Aizawa et al. (Aizawa); and Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aizawa in view of U.S. Patent No. 5,384,592 to Wong.

As stated above Claims 1-6 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of Yamanaka. Applicants respectfully assert that the rejection has been overcome by the cancellation of Claims 1-6. Inasmuch as the rejection may be applied to new Claims 7-12, Applicants respectfully submit the following remarks.

Applicants respectfully assert that new Claims 7-12 recite features that are not taught or suggested by Claims 1-6 of Yamanaka. By way of specific non-limiting examples, Applicants respectfully assert that Claims 1-6 of Yamanaka do not teach or suggest the claimed features of driving means for driving a moveable body, the driving means disposed downstream of a nip, as recited in independent Claim 7, and the claimed features of driving a

movable body with driving means disposed downstream of a nip, as recited in independent Claim 12.

Applicants respectfully assert that the claimed features recited in independent Claims 7 and 12 provide numerous advantages. By way of specific non-limiting examples, Applicants respectfully assert that the claimed features can obviate distortion and dislocation of an image ascribable to slack of a belt at an upstream side even if an interval between start of drive of the belt and start of drive of image transfer is reduced, such that overall image forming time is reduced.¹

As stated above a new title was required. In response, Applicants have amended the title to state "IMAGE FORMING APPARATUS INCLUDING DRIVING MEANS DISPOSED DOWNSTREAM OF NIP."

As stated above Claims 1-3 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Aizawa, and Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aizawa in view of Wong. Applicants respectfully assert that the rejections have been overcome by the cancellation of the claims. Inasmuch as the rejections of the claims may be applied to new Claims 7-12, Applicants respectfully submit the following remarks.

The present invention is directed to an image forming apparatus, as well as to an image forming method. Independent Claim 7 recites an image carrier including a surface configured to move in a preselected direction while carrying a toner image thereon. A movable body includes a surface configured to contact the surface of the image carrier to form a nip and to move in a same direction as the surface of the image carrier. Driving means are used for driving the moveable body, the driving means disposed downstream of the nip in the preselected direction. Control means are used for controllably driving the

¹ Page 32, lines 12-18, of Applicants' originally filed specification.

image carrier and the movable body such that the movable body starts moving after the image carrier has started moving. Independent Claim 12 recites moving a surface of an image carrier, which carries a toner image thereon, in a preselected direction. A surface of a movable body is moved in a same direction as the surface of the image carrier in contact with the surface of the image carrier to form a nip. The movable body is driven with driving means disposed downstream of the nip in the preselected direction. The image carrier and the movable body are controlled such that the movable body starts moving after the image carrier has started moving.

Aizawa is directed to a color image forming apparatus. As shown in Figure 1, for example, of Aizawa, a guide pulley 55a serves as a driving pulley for an intermediate transfer belt.²

Applicants respectfully assert that Aizawa does not teach or suggest, however, the claimed features of driving means for driving the moveable body disposed downstream of a nip, as recited in independent Claim 7, and the claimed features of driving a movable body with driving means disposed downstream of a nip, as recited in independent Claim 12. Specifically, Applicants respectfully assert that Aizawa does not show or state the guide pulley 55a disposed downstream of a nip, but rather shows the guide pulley 55a disposed upstream of a nip, for example.

In particular, independent Claims 7 recites “driving means for driving the moveable body, the driving means disposed downstream of the nip in the preselected direction,” and independent Claim 12 recites “driving the movable body with driving means disposed downstream of the nip in the preselected direction.” Thus, Applicants respectfully assert that new independent Claims 7 and 12 are allowable over Aizawa.

² Column 6, lines 55-56.

Applicants respectfully assert that Claims 8-11 are allowable for the same reasons as independent Claim 7, from which they depend, as well as for their own features. Thus, Applicants respectfully request the allowance of dependent Claims 8-11.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 7-12 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

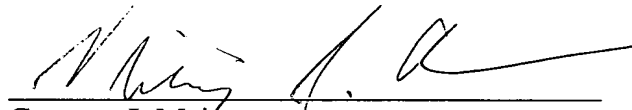
Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Philip J. Hoffmann
Registration No. 46,340

GJM/PH/jyh

I:\ATTY\PH\24S\246253\PROP AMD 6.3.04.DOC